



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
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MINUTES OCTOBER 19, 2005

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The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:45 PM. (started late waiting for quorum).

Present were Edward Manuel, Arnold Finaldi Jr. and Alternates Paul Blaszk (arrived at 7:55 PM) and Mara Frankel (arrived at 7:45 PM). Also present were Associate Planner Jennifer Emminger, Planning Director Dennis Elpern and Planning Assistant JoAnne Read

Absent were John Deeb, Kenneth Keller and Matthew Kennedy.

Chairman Finaldi asked Ms. Frankel to take Mr. Keller's place for the items on tonight's agenda. After Mr. Blaszk arrived, Chairman Finaldi asked him to take Mr. Deeb's place for the items on tonight's agenda.

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PUBLIC HEARING:

7:30 PM - Urstadt Biddle Properties Inc. - Application for two lot re-subdivision (6.008 acres) in the CG-20 Zone - "Danbury Square Shopping Center" - 15-19 Backus Ave. (#F17016) - Subdivision Code #91-04.

Mrs. Emminger announced that since this was advertised, we have found that this is not a re-subdivision so a public hearing is not required. For that reason, she asked them to move it to Old Business. She said there was a previous application (1991) which was denied due to some setback issue. These issues are being addressed now and we will have a report at the next meetings. Chairman Finaldi asked if there was anyone to speak in opposition and there was no one.

Mr. Manuel made a motion to move this matter to item 4 under Old Business. Ms. Frankel seconded the motion.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

- 1) Henry Cubberly - Application for (2) two-lot subdivision (5.281 acres) in the RA-40 Zone - "Cubberly Subdivision" - 9-13 Joes Hill Rd. (#C13014) - Subdivision Code #05-09. No public hearing required. First 65 days will be up 9/3/05. Second 65 days will be up 11/7/05.

- Mrs. Emminger said we are still waiting for a decision from EIC and their engineer still has not submitted revised plans in response to both the Planning and Engineering Department's comments. Mr. Manuel made a motion to table this matter. Ms. Frankel seconded the motion.

- Mrs. Emminger said we had hoped to discuss this tonight but since Mr. Keller is not here, we have tabled it until the November 2, 2005 meeting. Attorney Sharon Dornfeld has been appointed as a Corporation Counsel for this matter and she will be attending this meeting. She has heard the tapes and been given all of the copies and minutes from all of the meetings, so she is prepared to advise the Commission. Mr. Manuel made a motion to table this matter. Ms. Frankel seconded the motion.

- Mr. Manuel made a motion to table this matter. Ms. Frankel seconded the motion.

NEW BUSINESS:

REFERRALS:

- Mr. Manuel made a motion to continue to table this until the Commission makes a decision on the subdivision application. Ms. Frankel seconded the motion.

- 2) 8-3a Referral - Petition of Woodland Group II, LLC, Saw Mill Rd. & 13-37 Old Ridgebury Rd. (#A16002 & #C16012) to Amend the Revised Master Plan for Planned Neighborhood

Development ("The Reserve") originally approved on 11/26/02 and amended 9/28/04. Public hearing scheduled for November 15, 2005. 35 day referral period will be up on October 31, 2005.

Dennis Elpern presented the Planning Department Staff Report. He said the phasing has not been changed; this is more about a change in mix of units/reduction of open space. The major change is to Phase 11, where they want to add more residential in exchange for previously approved office space. Mr. Manuel said he does not think they should change Phase 11 because this was proposed to be a mixed use development. Chairman Finaldi asked if the applicant offered any reasons why they should make this significant change, why this commercial and industrial space is no longer necessary. Mr. Elpern said at this time, he is not aware of any reason. He asked if they make a negative recommendation, they should note that the changes to the other phases are okay, it is the change to Phase 11 that they do not approve of. Chairman Finaldi asked if the village center is still the same, referencing a copy of the 2002 Master Plan. Mr. Elpern said that was changed slightly last year and showed them the revised Master Plan that was approved last year. Chairman Finaldi said originally there were a number of single family units. Mr. Elpern said these are now going to be multi family. Mr. Manuel asked if these changes are in compliance with the POCD. Mr. Elpern said there was only one reference to a PND type of development in the POCD and that was to consider allowing one. Mr. Manuel proposed they hold a special meeting. AF said this is not significant enough to hold a special meeting especially since everyone has voiced an opinion and they all agree. Mr. Manuel made a motion to give a negative recommendation with the comment that the Planning Commission does not have any objection to the changes proposed for Phases 4 & 5 or the traffic calming device. They do oppose the changes proposed to Phase 11. Mr. Blaszkowski seconded the motion. At this point Ms. Frankel said she was not familiar with the property or the proposal so she will abstain. Chairman Finaldi said he agreed with Mr. Manuel that the dramatic increase to Phase 11 requires close scrutiny as that would change the nature of the PND. Mr. Blaszkowski said he too is not familiar with this project and asked if it is something the Commission has looked at previously. Mr. Elpern explained that this is subject to a Master Plan review by the Zoning Commission and then site plans for individual phases are reviewed administratively by the Planning Department. Chairman Finaldi said if something is on the agenda that a member needs additional information about, they should contact the office before the meeting. At this point Mr. Manuel said this really is not that complicated as all they are looking at is whether they should recommend the change to eliminate the office space and replace it with multi family. Mr. Blaszkowski said that means they don't need to know the specifics to decide whether to recommend this change be approved. Chairman Finaldi pointed out that a negative recommendation would make them need a two thirds majority for approval. Again, he reiterated that the members should be prepared and if they feel they need additional information, they should call the office and let the staff know before the meeting. Chairman Finaldi called for a vote on the motion and the motion for negative recommendation was passed with AYES from Mr. Manuel, Chairman Finaldi and Mr. Blaszkowski. Ms. Frankel abstained from the vote.

3) 8-24 Referral/October 4<sup>th</sup> CC Agenda Item 20 – Request to Change Smoke Hill Drive to Pondfield Rd.

The Commission reviewed the report prepared for the Common Council regarding this issue. Mr. Manuel made a motion to give a negative recommendation because there has been no compelling reason presented to make the change. Mr. Blaszkowski seconded the motion and it was passed unanimously.

At 8:30 PM, Mr. Manuel made a motion to adjourn. Mr. Blaszkowski seconded the motion.